

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In the Matter of the Investigation into Kansas	)	
Gas Service Company, a Division of One Gas	)	
Inc. Regarding the February 2021 Winter	)	Docket No. 21-KGSG-322-GIG
Weather Events, as contemplated by Docket	)	
No. 21-GIMX-303-MIS	)	

**PETITION TO INTERVENE**

COMES NOW TempleLive Wichita LLC (“TempleLive”), by and through its attorney, C. Edward Watson, II of Foulston Siefkin LLP, and petitions the Corporation Commission of the State of Kansas (“Commission”) for intervention in the above-captioned case pursuant to K.S.A. 77-521. In support of its petition, the TempleLive states and alleges as follows:

1. On February 15, 2021, the Commission issued an Emergency Order in the 21-GIMX-303-MIS Docket (“Emergency Order”). The Commission issued the Emergency Order pursuant to K.S.A. 77-536(a), to exercise its powers to protect the public from immediate danger to health, safety, and welfare.

2. The Emergency Order was issued in response to the February 14, 2021, State of Disaster Emergency issues by Kansas Governor Kelly “due to wind chill warnings and stress on utility and natural gas providers, noting that the current subzero temperatures are causing increased energy demand and natural gas supply constraints throughout Kansas.” (Emergency Order at p. 1.)

3. Pursuant to the Emergency Order: all jurisdictional natural gas and electric utilities were required “to coordinate efforts and take all reasonably feasible, lawful, and appropriate actions to ensure adequate transportation of natural gas and electricity to interconnected, non-jurisdictional Kansas utilities. Jurisdictional natural gas and electric utilities are ordered to do everything necessary

to ensure natural gas and electricity service continues to be provided to their customers in Kansas.” (Emergency Order at p. 3.)

4. Also, pursuant to the Emergency Order, “[t]he Commission authorizes every jurisdictional electric and natural gas distribution utility that incurs extraordinary costs associated with ensuring that their customers or the customers of interconnected Kansas utilities that are non-jurisdictional to the Commission continue to receive utility service during this unprecedented cold weather event to defer those costs to a regulatory asset account.” (Emergency Order at p. 4.) The deferred costs could also include carrying costs and must be accounted for in detail. *Id.*

5. The Emergency Order does not guarantee rate recovery but establishes a mechanism where rate recovery may be sought in a future proceeding.

6. Lastly, the Emergency Order directs that once the 2021 Winter Weather Event was over, and after all costs is accumulated and recorded, “each jurisdictional utility is directed to file a compliance report in this Docket detailing the extent of such costs incurred, and present a plan to minimize the financial impacts of this event on ratepayers over a reasonable time frame.” (Emergency Order at p. 5.)

7. TempleLive is a customer of Constellation NewEnergy – Gas Division, LLC (“Constellation”), which is a non-jurisdictional privately owned natural gas marketing company serving commercial and industrial natural gas customers in Kansas as well as surrounding states. At the beginning of the Winter Weather Event, Constellation forwarded TempleLive a Kansas Gas Services’ curtailment order encouraging it to reduce its gas usage.

8. TempleLive attempted to comply by reducing its usage.

9. Notwithstanding its efforts to reduce its usage, TempleLive was negatively impacted by the Winter Weather Event. Beginning in the second week of February 2021, the costs to serve

Kansas customers increased dramatically due to both increases in demand and increases in gas prices. TempleLive's bill for natural gas purchased during the Winter Weather Event increased by as much as 4000% over past bills for this same time period.

10. As stated herein, and pursuant to K.S.A. 77-521(a), TempleLive's legal interests will be substantially affected by this proceeding and granting TempleLive's petition to intervene will not impair the orderly and prompt conduct of this action.

11. Constellation, for the most part, serves its Kansas customer base off the Kansas Gas Service gas utility system. TempleLive receives gas in this manner. Constellation has recently filed a Motion to Intervene in this docket.

12. As recognized by the Emergency Order and the State of Disaster Emergency, and asserted in Constellation's Motion to Intervene, all natural gas suppliers experienced similar increases in demand and consequently price; all at the same time. In addition, all natural gas suppliers experienced similar scheduling and delivery difficulties. Non-jurisdictional suppliers, like Constellation, were in competition with jurisdictional utilities to purchase gas in the open market.

13. As a supplier relying on Kansas jurisdictional utilities for transportation and distribution, Constellation alleges that it purchased significantly more gas in real time markets during the Winter Weather Event than it anticipated and that it paid prices "significantly higher than normal market conditions". (Constellation Motion to Intervene, p. 3.)

14. Constellation has attempted to pass this cost on to TempleLive, and it appears based upon the allegations set forth in Constellation's Motion to Intervene and in Kansas Gas Services' Motion for a Limited Waiver, that additional cost and penalties could be passed on to TempleLive.

15. Certain of these costs may be immediate, such as those related to imbalance penalties, which are now being considered as a part of Kansas Gas Services' Motion for Limited Waiver filed

in this docket. Other costs may be long term, such as for new capital expenditure in the future to increase the reliability of the system. At the end of the day, these costs have already been or may be passed down to Constellation's and other Kansas marketer's customers such as TempleLive.

16. To the extent the costs may be discussed, reported and/or mitigated as a part of this proceeding, TempleLive has an immediate interest.

17. TempleLive's interest in this proceeding, as a unique customer of a non-jurisdictional marketer dependent upon a jurisdictional transportation company, is not adequately represented by any other party.

18. TempleLive meets the standards of intervention under the Kansas Administrative Procedures Act. TempleLive intervention is in the interest of justice, as it will ensure that the customers of the non-jurisdictional marketers are protected with respect to the Commission's decisions regarding whether and how the costs of the 2021 Winter Weather Event will be passed to them. Moreover, TempleLive's participation in this docket will not impair the orderly and prompt conduct of these proceedings.

19. All communications and correspondence to TempleLive, including service of notices and orders of the Commission herein are requested to be sent to the following named.

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~and~

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WHEREFORE, TempleLive respectfully requests the Commission enter an Order allowing it to intervene in this proceeding and for all other relief which the Commission deems just and proper.

By: /s/ C. Edward Watson, II  
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**VERIFICATION**

STATE OF KANSAS

SS

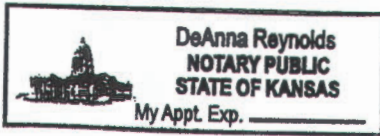
COUNTY OF SEDGWICK

C. Edward Watson, of lawful age, being first duly sworn on oath, states that he is an attorney for TempleLive Wichita LLC; that he has read the foregoing Petition to Intervene and has reasonable grounds to believe the statements are true and correct.



\_\_\_\_\_  
C. Edward Watson

SUBSCRIBED AND SWORN TO before me this 15<sup>th</sup> day of June, 2021.



\_\_\_\_\_  
Notary Public

My Appointment Expires:

10-21-21

## CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 2021, a true and correct copy of the above and foregoing was sent electronically to the following:

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